

REMARKS

In the non-final Office Action dated April 29, 2008, it is noted that claims 1 – 15 are pending in the application.

In the present amendment, claim 11 has been cancelled without prejudice. Claims 1 – 10 and 13 – 14 have been amended for non-statutory reasons, and these claims are not narrowed in scope. No new matter has been added.

35 U.S.C. §101

The Office Action rejects claims 11 and 12 under 35 U.S.C. §101 for directing to non-statutory subject matter.

In the present amendment, claim 11 has been cancelled and claim 12 been amended to obviate this rejection. No new matter has been added. Withdrawal of the rejection of claims 11 and 12 under 35 U.S.C. §101 is respectfully requested.

35 U.S.C. §102

The Office Action rejects claims 1 – 7 and 9 – 15 under 35 U.S.C. §102(b) over Wasilewski et al. (US Patent # 5418782), hereinafter “Wasilewski.”

Applicants submit that for at least the following reasons, claims 1 – 7 and 9 – 15 are patentable over Wasilewski.

For example, claim 1 requires

“a transmitter for generating numbering information pertaining to the plurality of services, for including the numbering information into the signal, and for transmitting the signal.”

Wasilewski, column 7, lines 1 – 10, apparently discloses that a unique virtual service number is assigned to each basic service. However, Wasilewski does not teach or suggest that the numbering information pertaining to the plurality of services is generated by the transmitter. Wasilewski, column 7, lines 4 – 7, discloses that the assignment of the unique virtual service number is usually performed by the operator(s) of the communication system. This clearly suggests that the numbering information is not generated by the transmitter. Wasilewski, column

7, lines 10 – 13, also discloses that a “program guide” for listing each available service by its assigned virtual service number. Therefore, this virtual service number is assigned, not generated. Moreover, Wasilewski, Figs. 2 and 3, clearly shows that the data frame (28) containing virtual service definition (46) is created before it is sent to the transmitter. This indicates that, in Wasilewski, the transmitter neither creates the numbering information nor includes the numbering information into the signal. Therefore, Wasilewski does not teach or suggest the claimed feature: a transmitter for generating numbering information pertaining to the plurality of services, for including the numbering information into the signal, and for transmitting the signal.

In view of at least the foregoing, claim 1 is patentable over Wasilewski.

Similarly, independent claims 13 and 14 each requires:

*“generating numbering information pertaining to the plurality of services;
including the numbering information into the signal.”*

In addition, independent claim 15 requires:

*“wherein said numbering information is generated and included into the signal by
a transmitter.”*

As discussed above, Wasilewski does not teach or disclose that the numbering information is generated or included into the signal. Therefore, claims 13 – 15 are patentable over Wasilewski.

Claims 2 – 7, 9, 10 and 12 are patentable for at least the reason that they depend from claim 1, with each claim containing further distinguishing features. As pointed out above claim 1 is allowable over the cited reference.

Withdrawal of the rejection of claims 1 – 10 and 9 – 15 under 35 U.S.C. §102(b) is respectfully requested.

35 U.S.C. §103

The Office Action rejects claim 8 under 35 U.S.C. §103(a) over Wasilewski in view of Marnix (US PG Pub # 20050135285).

Applicants submit that Marnix does not in any way cure the defects pointed out above with respect to Wasilewski failing to teach all the features recited in claim 1. Thus, claim 8 is patentable over Wasilewski and Marnix, either singly or in combination because it depends from claim 1, and has further distinguishing features. Withdrawal of the rejection of claim 8 under 35 U.S.C. §103(a) is respectfully requested.

Conclusion

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 14-1270.

Respectfully submitted,

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